

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DAVITA M. KEY,

Plaintiff,

v.

HYUNDAI MOTOR
MANUFACTURING, ALABAMA,
LLC; HYUNDAI ENG AMERICA,
INC.; and DYNAMIC SECURITY,
INC.

Defendants.

Case No. 2:19-CV-767-ECM

PLAINTIFF'S WILL USE EXHIBIT 35

Davita Key

From: Sherry Spires (sspires@dynamicsecurity.org)

To: rcureton@dynamicsecurity.org

Cc: klriddle@dynamicsecurity.org

Date: Tuesday, August 29, 2017 at 12:40 PM CDT

Ray,

I just got a VM from Alabama Unemployment needing a rebuttal on our response. They need the following:

1. Name and title of who discharged her. As far as I know, we DID NOT discharge her. She quit on her own after she refused to accept the other assignments she was offered. Please confirm.
2. They need a copy of the policy she violated. I understand "no dreadlocks" was Hyundai's policy - not Dynamic's. Can I get a copy of that policy and proof that she was aware of the policy?
3. Assuming she had no prior warnings since she only worked two days for a total of 3.25 hours. Please confirm.
4. You stated in your email of 8/24/17 that you never got any further than: Would you be willing to work a part-time position on the weekends at MOBIS or Koch. I need those two offers documented on a Job Refusal Forms.
5. Although ADOL didn't ask for it, it will be worth looking at her employment application and see how she answered - work any day of the week AND any shift. Send me her app also.

Please remember, it's very important that Key gets denied unemployment benefits since she has also filed an EEOC Charge.

Our response to this rebuttal is due Thursday, August 31 at 11:15 a.m.

Thanks in advance for your help!

Sherry

Re: Davita Key

From: Ray Cureton (rcureton@dynamicsecurity.org)

To: sspires@dynamicsecurity.org

Date: Wednesday, August 30, 2017 at 03:46 PM CDT

1. She told Nicole that she could only work first shift because her husband works 3rd shift. You have a statement from Nicole in the paperwork I sent. If you need another copy, let me know.
2. She was going to make 13.00 an hour at HMMA
3. Her pay at both Koch and MOBIS would have been 9.00. The lowest pay we have in the Montgomery branch is 8.40 at UPS, so I am certain no one told her 8.
4. No start date was given. This is what I meant by saying that we never got past the initial conversation of offering her the positions on that first day. I did tell her that there were no first shifts available, and she said she wanted to think about it. With the continuing weekend shortages we have at both of those sites, we could have started her right away, if she had agreed to a second or third shift. No one told her those positions were not immediately available. In fact, Nicole called her a few days later, at my request, to remind her that she had not been fired, and to again offer her the positions at Koch and Mobis, and she again refused.

Dr. Ray H. Cureton
District Manager,
Dynamic Security, Inc.

5510 Wares Ferry Rd,
Montgomery, AL 36117
Office - (334) 395-7722
Cell (334) 324-8117

From: Sherry Spires <sspires@dynamicsecurity.org>
To: Ray Cureton <rcureton@dynamicsecurity.org>
Sent: Wednesday, August 30, 2017 3:11 PM
Subject: Davita Key

Here we go again.....need another rebuttal by Friday at 2:40 p.m.

She admits that she refused the other 2 assignments. She denies stating that she could only work first shift. She states she refused both assignments offered because she was going to make \$13.00/hour at Hyundai and the other two assignments were only going to be \$8.00 and \$9.00/hour. She also states the other 2 assignments were not going to start immediately. Need answers to

the following questions. Some of these may be repetitive but just need to clarify to be sure.

1. Who did she tell that she could only work first shift?
2. Was her pay at Hyundai going to be \$13.00/hour?
3. Confirm that her pay rate was going to be \$9.00 for both Koch and Mobis.
4. What was going to be the start date for Koch and Mobis?

Thanks,
Sherry